

November 7, 2023

The Honorable Jessica G. L. Clarke
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Via Electronic Filing

Re: SeanPaul Reyes v. City of New York, 23-cv-06369

Your Honor,

Plaintiff submits this response to Defendant's November 1, 2023 letter motion (Doc. 27). While Defendant's request to re-open evidence is moot in light of the Court's order (Doc. 28), other allegations in the Letter require a response.

Defendant states Plaintiff's counsel was "not forthcoming" with the court because he "made no mention of the criminal motion to Dismiss at the hearing or in their preliminary injunction papers." (Letter at 1). But this statement is contradicted by the record. The transcript, which had not been ordered by either party when Defendant filed its letter, reads:

12	THE COURT: What's the current status of that criminal
13	prosecution?
14	MR. CASE: My understanding is that a motion to
15	dismiss is being briefed and has not yet been fully briefed,
16	and at some point in November, there's going to be a hearing on
17	it.
18	THE COURT: Does that motion to dismiss raise the
19	Constitutional challenges in this case as well?
20	MR. CASE: It does. It does, among other things, is
21	my understanding.



Plaintiff provided Defendant with the transcript excerpt on Friday and asked Defendant's counsel to "correct a false statement of material fact or law previously made to the tribunal" pursuant to Rule 3.3(a)(1) by the end of the day on Monday, November 6. He has received no response.

Plaintiff therefore respectfully requests that the Court strike Defendant's November 1 letter motion (Doc. 27) from the docket because it contains materially untrue allegations against Plaintiff's counsel.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Case".

Andrew Case
LatinoJustice PRLDEF